STATE OF NEW YORK
COMMISSION ON PUBLIC INTEGRITY

In the Matter of an Investigation
Into Governor David A. Paterson's
Acquisition of World Series Tickets

EXAMINATION UNDER OATH
OF
GOVERNOR DAVID A. PATERSON

Wednesday, February 24, 2010
Commission for Public Integrity
State Capitol
Albany, New York

APPEARANCES

FOR THE NYS COMMISSION ON PUBLIC INTEGRITY:

STATE OF NEW YORK COMMISSION ON PUBLIC INTEGRITY
540 Broadway
Albany, New York 12207
BY: BRIDGET HOLOHAN, ESQ.
BARRY GINSBERG, ESQ.

FOR GOVERNOR PATERSON:

STATE OF NEW YORK, EXECUTIVE CHAMBER
State Capitol
Albany, New York 12224
BY: JEFFREY PEARLMAN, ESQ.

ALSO PRESENT:
Lawrence J. Murello
Robert J. Shea
Jennifer Moore

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GOVERNOR DAVID A. PATTERSON,

having been first duly sworn by the notary public,

was examined and testified as follows:

EXAMINATION

BY MS. HOLOHAN:

Q Good afternoon, Governor. My name is Bridget Holohan, and I'm associate counsel to the Commission on Public Integrity. And I've been assigned to inquire into the attendance and acceptance of tickets to Game 1 of the World Series at Yankee Stadium.

Before we begin is there anything you'd like to state for the record?

A No.

Q And, for the record, are you aware that the Commission sent you what we refer to as a 15-day letter dated October 30, 2009 informing you that your receipt of World Series tickets may have violated the Public Officers Law?

A Yes.

Q And are you aware that your counsel, Peter Keirnan, responded on your behalf?

A Yes.

Q Is there anything in your own words you'd like to say about that response?

A No.
Q Based upon Mr. Kiernan's response on your behalf, is it your position that you did not need to -- you did not need to pay for your ticket to the World Series because you were on official business?
A Yes.
Q What was your official business?
A Well, my official business as Governor is to represent the State at events that have state-wide interest. This was the first game of the World Series. It's always a national event, like the Academy Awards or, you know, Governor's State address or something like that. And as part of my duty I saw that I believed that I should be there to represent the State. And I still do.
Q Is it your position that all other tickets would be paid for?
A Yes.
Q And was it your intention that all other tickets would be paid for prior to the game?
A Yes.
Q Why was that your intention?
A Well, anyone traveling with me is not representing the State. They may be assisting me, and my interpretation -- that's my interpretation of the current regulations.

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Q  Are you aware that there was a NEW YORK POST
article following your attendance at Game 1 of the
World Series regarding your attendance?
A  Yes.
Q  And it was your intention that all other tickets
would be paid for despite this press report?
A  Yes. In fact, I had sent my check in before the
article came out.
Q  And what check are you referring to?
A  I paid for my son and a friend of his who came with
us.
Q  And when did you send that check?
A  Friday. The first game was Thursday night.
Q  You sent this check to the New York Yankees?
A  I gave it to my assistant to send to the Yankees.
Q  Did you send anything else along with your check?
A  I don't believe so. I don't know.
Q  Okay.

MS. HOLOHAN: If I could just have this
marked as Exhibit 3.

(Commission Exhibit No. 3 was marked for
identification.)

MS. HOLOHAN: I'm going to ask that the
Governor review what has been marked as Exhibit 3.

MR. PEARLMAN: Do you want to go off the
record? And I'll just explain it to you.

MS. HOLOHAN: Absolutely.

(Discussion held off the record.)

BY MS. HOLOHAN:

Q Governor, does this refresh your memory as to whether or not you sent anything else along with your check to the New York Yankees?

A No.

Q And is this a copy of the check that you sent to the New York Yankees?

A I would assume it is.

Q And did you make this check out personally?

A Yes.

Q And how did you know to make it out to Mr. Kirimca?

A That part of the check I left blank because I didn't know who it was going to.

Q So when did you make out this check?

A I made out the check whatever was the day of the first game of the World Series.

Q Can we agree that the first day -- first game of the World Series was on October 28, 2009?

A So that would be Thursday?

Q I believe it was a Wednesday.

A Okay. I guess that's when it was.

Q Do you have any recollection to the contrary that
the first game of the World Series was on Wednesday, October 28, 2009?

A I think that's the date. I thought the first game was on the 27th, so I guess it was on the 28th.

Q So then why is this check dated October 27, 2009?

A That may have been when I filled it out.

Q But it's your testimony that you left the "pay to the order of" blank?

A Right.

Q Until when?

A I didn't fill out "to the order of." I didn't know who the check was going to.

Q I understand that. Maybe I'm not asking my question clear enough. When did you fill in "pay to the order of"?

A I never did.

Q Who did, then?

A I would assume that David Johnson did.

Q So just so I'm clear, you filled out every other part of the check but the section that is "pay to the order of"?

A That's my memory. I didn't know who to send the check to.

Q When did you learn who to send the check to?

A Just now.
Q And it's your testimony that you filled this out on the day of Game 1 of the World Series?
A Right.
Q Prior to going to the game?
A Prior.
Q And that's because it was your intention to pay for your son and your son's friend's ticket prior to the game?
A I brought the check along in case we needed it to pay for it.
Q Why did you feel that you needed to pay for two of the tickets?
A Well, they were guests of mine. They weren't essential to representing the State.
Q And your son attended with you Game 1?
A Yes.
Q And what is the age of your son?
A 15.
Q And he went along with a friend of his?
A Yes.
Q And what is the age of his friend?
A I believe 15.
Q Do you know whether this check was actually forwarded to the Yankees prior to attending Game 1?
A It couldn't have been, because I had it during

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Game 1.

Q  So do you know when it was forwarded to the Yankees?
A  No.

Q  When was it decided that you would attend Game 1?
A  Perhaps the day before, because we were going to have a special session of the legislature around that time, and the other legislative leaders asked if it could be pushed back because the 28th was a fundraiser for them, so I had expected to be in Albany.

Q  Whose idea was it that you should attend Game 1?
A  It was my idea.

Q  Why did you think it was a good idea to attend?
A  Well, I'd been on CNBC, and they had me on with the president of the Yankees, and he said something in the interview like "I look forward to seeing you."

I had seen the president of the Yankees at an event sponsored by the New York City Partnership, and he asked me, "Are you coming?"

I had done a number of interviews on sports radio, and they asked me if I was attending the game. And I answered yes, even though I hadn't started the process of going there.

And then I had a bet with the Governor of Pennsylvania about the outcome of the World Series, and
that was written about in the media. So I think that
laid the foundation that as the head of the State that
I should be there, and I saw that as official business.
And I can't say that I can think of any more
documentation that there would be official business
than that.

Q So prior to your appearance on CNBC had you decided
to go to the game?
A I didn't think I would be going to the game because
we had scheduled a special session of the legislature
for the 28th, and -- I mean, I wasn't planning on it.
But I realized, because of the public nature of it,
that I had to be there.

Q Were you invited by the Yankees?
A No.

Q Did you believe tickets would have to be obtained
in order for you to attend Game 1?
A My understanding was that to give you tickets that
the Yankees needed a letter stating that it was
official business.

Q And that was your understanding prior to Game 1?
A Right.

Q And so once you decided that you should go to
Game 1 of the World Series, did you have conversations
with anyone from your office so that they could obtain
tickets?
A   I asked David Johnson to get tickets for Game 1 and
to speak to Peter Kiernan, our counsel, about making
sure that it was done the right way.
Q   Who is David Johnson?
A   One of my assistants.
Q   When you asked Mr. Johnson to get you tickets, what
was the substance of the conversation?
A   Just what I described.
Q   So you directed Mr. Johnson to obtain tickets to
Game 1 of the World Series for you?
A   And to speak to our counsel, Peter Kiernan, to make
sure it was done the right way.
Q   Did you indicate to him how many tickets you
wanted?
A   I told him that in addition to my ticket that I
would purchase tickets for my son and a friend of his.
Q   So you requested three tickets from Mr. Johnson?
A   That was my initial statement to him.
Q   Did that statement change?
A   I asked him later if another assistant in the
office, who was a big Yankees fan and knew a lot more
about the Yankees than I did, could be available to go.
Q   And who was that assistant?
A   His name is Mark Leinung, L-i-n --
MR. PEARLMAN: L-e-i-n-u-n-g.

Q What is Mr. Leinung's title?

MR. PEARLMAN: I can answer that if

that's okay.

Q If you know.

MR. PEARLMAN: He's the Deputy Director

for State Operations.

BY MS. HOLOHAN:

Q At this time did you understand that Mr. Johnson

would be going as well?

A I don't remember.

Q When was it determined that Mr. Johnson would go?

A Well, it was probably whoever was scheduled as the

travel person that week, and it turned out to be him.

Q By scheduled person, could you describe for me what

you mean?

A In other words, each week a different staff member

travels with me, and that was his week.

Q So at the time you asked Mr. Johnson to obtain

tickets, you anticipated that two of your staff members

would join with you?

A I didn't think about that at the time.

Q Prior to going to Yankee Stadium on October 28th,

did you know who was attending with you?

A I don't understand the question.
Well, let me start this way: Who attended Game 1 with you?

David Johnson did; my son, Alex, and his friend Jeremy did; Mark Leinung did. But I believe there was a press secretary there and members of the state police were there. And if anyone else was there, I don't remember.

And of the individuals that attended Game 1 with you, do you know how many needed tickets?

No.

Who was in the seats with you?

David Johnson, my son and his friend and Mark Leinung.

Do you know how these tickets were obtained?

No.

Did you have any conversations with Mr. Johnson prior to attending Game 1 regarding his payment for his ticket?

No.

Did you have any conversations with him after attending Game 1 regarding his payment for his ticket?

When the newspaper article came out, I asked, and he said he was paying for his ticket.

Other than his statement to you that he was paying for his ticket, did you have any other conversation?
with Mr. Johnson regarding his ticket?
A    Not that I recall.
Q    Do you know whether he ever paid for his ticket?
A    No.
Q    Prior to attending Game 1 of the World Series did you have any conversations with Mark Leinung regarding his payment for his ticket?
A    No.
Q    Why not?
A    Because I had instructed David Johnson to speak to Peter Kiernan and work this out. It was not clear to me. The state police, I assumed, wouldn't be paying. The media person, I guessed, would not be paying. It's not always clear what happens to the body person -- in other words, the person who is traveling. So I knew that Mark Leinung had to pay.
Q    How did you know that Mark Leinung had to pay?
A    Because he wasn't the travel person. He was a staff member who was coming to help me for interviews and that kind of thing, because I knew, just as in any other case, you would take a staff member that knows a lot about the subject. The travel person doesn't -- facilitates the trip, but you would usually take a staff member someplace who has a great deal of understanding about whatever the issue is. In this
case it was sports. He was a big Yankee fan. I knew that because I had worked with him in the Senate and as Lieutenant Governor, and I thought he was the perfect person to help me if something came up.

Q Do you know whether Mr. Johnson informed Mr. Leinung that he had to pay for his ticket?
A No.

Q Do you know if Mr. Leinung ever paid for his ticket?
A Yes, I know he did.

Q How do you know that?
A I don't remember. I just know that I know that he paid for it.

Q Prior to attending Game 1 of the World Series did you have any conversations with Mr. Kiernan regarding securing tickets?
A No.

Q Just to make sure that I've made a clear record, it is your testimony today that the only person who was on official business at Game 1 of the World Series was yourself?
A Yes.

Q Are there any circumstances in which you believe Mr. Johnson would be attending a sporting event with you in his official capacity?
A Well, I was sure about that my ticket didn't need
to be paid for. I'm not sure about the travel person,
in other words, the person who was assisting the
principal to get in and out of the place.
Q Did you share your concerns as to whether or not
Mr. Johnson's ticket should or shouldn't be paid for
with Mr. Johnson prior to Game 1?
A No.
Q And just so we're clear, he was your travel person
for Game 1 of the World Series?
A He was.
Q Are you aware of any circumstances in which Mark
Leinung's attendance at a sporting event with you would
be within his official capacity?
A No, it wouldn't be.
Q Under any circumstances?
A Well, if he became the travel person, it might.
The law is conflicted on the travel person. It's not
consistent.
Q Is there any circumstance where you believe your
son could be on official State business with you?
A No.
Q Is there any circumstance where you believe a
friend of your son could be on official State business
with you?
Q: As Governor how do you determine whether your attendance at a sporting event is or is not within your official capacity?

A: If I went to a Yankee game three weeks before, that can't be official business. It's a regular sporting event. You would be using your status to get into the game. What's official would be something extraordinary, something that is ceremonial, opening day of the brand new stadium, Yankee Stadium, opening day of a brand new stadium at Citi Field, first game of the World Series.

This is a nationally-recognized ceremony. They have an actual ceremony before the first game of the World Series. They don't have them for any other game of the World Series. So by going to Game 2 the next night, I would not have seen it as official business.

I did see this as official business because it's the opening, the beginning. These are the types of events that governors attend, ground-breakings, concerts for September 11 victims, September 11th ceremonies, New York City welcoming a national organization's convention for something. They are unique. Otherwise, just to go to a sporting event would not qualify.
Q What business functions did you participate in prior to attending Game 1?

A I believe prior to Game 1 I was in -- I mean, this is my memory here -- I believe I was in Albany and came back to the city, so I was conducting business in Albany and came back to the city that evening, picked up my son and took him to Yankee Stadium.

Q While you were at Yankee Stadium, did you participate in any of the opening events, opening ceremony events?

A I didn't speak. I was recognized among dignitaries who were there. I was interviewed by the media in the foyer of the stadium. I took somewhere between 50 and 60 pictures with fans who came over and asked to take pictures. At a regular game after a while I might have kind of asked for privacy, but I knew what I was there for.

Q When you say you were recognized by dignitaries, could you describe for me what you mean?

A By public address announcement, they recognized all of the officials who had come to the game. They did not recognize me by name, but they recognized me in a group of officials that attended.

Q Just so I'm clear, there was a public announcement that said the Governor of New York was here?
A No, I didn't say that. They said "we'd like to thank all of our leaders and officials for being here at the game." The vice president's wife, Mrs. Biden, was there. Mayor Bloomberg was there. Former Mayor Giuliani was there, and I was there, and I assume that's who they were talking about.

Q Did you meet with Mayor Bloomberg?
A I said hello to him.

Q Did you meet with the first lady?
A No.

Q Did you meet with Mrs. Biden?
A No. I saw her when she went past me.

Q Did you stay for the entire game?
A Yes.

Q Other than Mayor Bloomberg, did you see any other public officials while you were there?
A Mayor Giuliani.

Q Did you speak with Mayor Giuliani?
A I said hello to him.

Q After you left the game, did you conduct any other State business?
A That evening I spoke to staff members when I got home about a few things that were going on that day. I spoke to them during the game.

Q Is this staff other than the staff that was
attending the game with you?

A     Correct.

Q     And you also mentioned that you spoke with the
media while you were at the game?

A     Yeah.

Q     Do you recall what the substance of your
conversations with the media was?

A     Who did I think who was going to win, sports
questions. They might have asked some off-topic
question. I don't remember answering it.

Q     Are you aware that following your attendance at
Game 1 of the World Series, there were press inquiries
regarding your attendance?

A     Yes.

Q     How did you become aware?

A     I guess my press office told me.

Q     Do you have a protocol in your office for handling
press inquiries?

A     They go through the press office.

Q     Other than going through the press office, is there
any other protocol?

A     I don't know of any.

Q     Who heads your press office?

A     Peter Kauffmann.

Q     Did he inform you of press inquiries?
1 A I don't remember.
2 Q And by press inquiries, can we agree that there was
3 an inquiry from Fred Dicker of the NEW YORK POST?
4 A Yes.
5 Q Do you know when Mr. Dicker made his inquiry?
6 A No.
7 Q Do you know whether Mr. Dicker was responded to?
8 A I believe he was.
9 Q Do you know who responded to Mr. Dicker?
10 A No, I don't.
11 Q Prior to your press office responding to
12 Mr. Dicker's inquiry, were you advised as to what that
13 response would be?
14 A No.
15 Q Other than Game 1 of the World Series, is there any
16 other time during the 2009 baseball season in which you
17 attended a game at Yankee Stadium?
18 A I attended opening day, which was the opening of
19 the stadium.
20 Q Do you recall when that was?
21 A April 16th.
22 Q April 16, 2009?
23 A 2009.
24 Q And this is the brand new Yankee Stadium?
25 A Right.
Q    Who did you attend with?
A    I attended with my son, again, David Johnson, and there was a press person there. I'm not sure who it was.
Q    Whose idea was it for you to attend opening day?
A    I was asked to come to opening day by Randy Levine, the president of the Yankees.
Q    So it's your testimony that Mr. Levine invited you to Game 1 -- excuse me -- to opening day?
A    That was my interpretation.
Q    What do you mean, that was your interpretation?
A    Well, I spoke to him right after becoming Governor, and he said, "We'd really like you to come to opening day at the stadium."
Q    Just so we're clear on the record, when did you become Governor?
A    March 17th of 2008. I'm sorry. I came to the game in 2009, and he asked me sometime before the game if I would be coming.
Q    So this was sometime in early 2009 he asked you to come to opening day?
A    Right.
Q    Do you know how tickets were obtained to opening day?
A    Someone contacted the office, and they were told to
speak to Brian Mathis of the Yankees, and that's all I
know about it. In fact, I'm not sure that that's
actually his name. Brian is his first name.
Q    So someone from your office contacted the Yankees?
A    Yes.
Q    Do you know who from your office contacted the
Yankees?
A    No, I don't.
Q    And how was it decided that Mr. Johnson would
attend opening day with you?
A    I think it was Mr. Johnson's period when he was
traveling with me, and he is the lead travel person, so
usually at the major events he is with me.
Q    How many traveling staff members do you have?
A    Four.
Q    And they, generally speaking, rotate?
Q    And how was it determined that your son would
attend with you?
A    I asked him if he'd like to go.
Q    And how was it determined that a member of your
press staff would attend with you?
A    I think because there were going to be press there.
I did an interview with Fox 5 there. I saw the group
of media when I first came in. I can't name them all.
They had questions and not always limited to sports, and you would need a press person there to record your answer just to make sure that you were not inaccurately reported.

Q And you gave this interview with Fox 5 during the game?
A I think before the game.

Q Were you at Yankee Stadium when the interview occurred?
A Yes.

Q Is it your position that your press person was there in his or her official capacity?
A Yes.

Q So did he or she have to pay for his or her ticket?
A In this case I don't know.

Q Is it your position that Mr. Johnson attended opening day with you in his official capacity?
A Yes. I don't -- he attended the game. I don't know if it was in his official capacity.

Q Do you know whether he paid for his ticket to opening day?
A I don't know.

Q Did you pay for your ticket to opening day?
A No.

Q Why not?
A It was the opening day of a stadium. It was the
first new stadium they had had in 86 years, and I
thought that was an official opening of an event, just
as it would have been a theatre or a new office
building.
Q Did you pay for your son's ticket?
A I don't believe so.
Q Why not?
A I don't know.
Q You testified earlier that Randy Levine invited you
to the new stadium. Did he invite you to opening day?
A To opening day is what he invited me to.
Q Do you remember where your seats were?
A Behind home plate.
Q Can we agree those are good seats?
A Yes.
Q Do you remember the face value of the tickets for
opening day?
A No. No.
Q Where were your seats to Game 1?
A They were, I guess, on the first base line
somewhere.
Q Would you characterize these as good seats?
A I would think so.
Q Do you think it's fair to say that World Series
tickets are hard to come by?

A Yes.

Q Why would you agree that they are hard to come by?

A For the exact same reason, that it's a major event, that everyone wants to be there and the whole State is watching.

Q If you were not Governor, do you think Mr. Johnson would have been able to obtain tickets to Game 1 of the World Series?

A That's too speculative.

Q Why is it too speculative?

A How would I know? There were a lot of fans in the stadium. Who would or wouldn't have gotten tickets is impossible for me to determine.

Q Do you think if you weren't Governor, Mr. Johnson could have called Randy Levine directly and obtained tickets to Game 1 of the World Series?

A Again, I don't know.

Q Do you think but for the fact you were Governor, your son could have obtained tickets to Game 1 of the World Series?

A Well, my son would have had an opportunity to go if I had an opportunity to go.

Q Would you have been at Game 1 of the World Series if you were not Governor?
A: No.
Q: So is it fair to say that your son would not have been at Game 1 of the World Series if you had not been at Game 1 of the World Series?
A: I don't know.
Q: Who invited your son's friend?
A: He did.
Q: Is it fair to say your son's friend would not have been at Game 1 of the World Series but for the fact that you were at Game 1 of the World Series?
A: I'd say that's fair to say.
Q: Why do you say that's fair to say?
A: I think he was invited about an hour before the game, so he was invited by us. Clearly, he wasn't going to be there.
Q: Are you aware that there's a secondary market for World Series tickets?
A: No.
Q: Have you ever heard of a company called StubHub?
A: Yes.
Q: What do you understand StubHub to be?
A: It's a company that recirculates tickets.
Q: What do you mean by "recirculate"?
A: Well, in other words, people not attending a game will sell them back to the company, and the company
resells them.

Q Do you know whether the company resells them at face value?

A No.

Q You do not know or they do not?

A I do not know.

Q Is it fair to say that if your son had an opportunity to go to Game 1 of the World Series, he would not have gotten what you agree were good seats?

A I think that's fair to say.

Q Is it a fair statement that if your son's friend had had an opportunity to go to Game 1 of the World Series, he would not have had an opportunity to get what we agree were good seats?

A I think that's fair.

Q Other than opening day and Game 1 of the World Series at Yankee Stadium, did you attend any other sporting events during 2009?

A I attended opening game in Citi Field.

Q And that's the New York Mets?

A Correct. I attended the game of the first game of the World Series. I attended the openings at Citi Field and Yankee Stadium. I didn't stay for the greater part of the games.

Q Okay. Let's just clarify then. So you went to

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opening day at Yankee Stadium?
A Correct.
Q How long did you stay?
A Three innings.
Q And you attended opening day at Citi Field?
A Correct.
Q How long did you stay?
A Five innings.
Q Did you participate in any of the opening day ceremonial functions at Citi Field?
A Yes.
Q What was your participation?
A I attended a pre-game reception in the stadium with the personnel of the Mets, met a lot of their benefactors and organizational people. I was interviewed at the game. I was introduced to the crowd.
Q Were you introduced to the crowd individually?
A Individually. I was the first person introduced to the crowd.
Q So your name was announced?
A My name was announced.
Q Were you invited to opening day at Citi Field by the New York Mets?
A Yes.
Q  Who invited you?
A  I don't remember. It was brought to my attention
by my scheduler.
Q  Who is your scheduler?
A  Matt Nelson.
Q  What did he tell you about the invitation?
A  I don't remember.
Q  Who attended opening day at Citi Field with you?
A  My son and David Johnson.
Q  Did you pay for your ticket?
A  No.
Q  Did you pay for your son's ticket?
A  I'm not sure about that.
Q  Why didn't you pay for your ticket?
A  It was, again, the opening day of a new stadium,
which was a major project the State had assisted the
Mets in erecting, and this was the first time the Mets
had had a new stadium in 45 years. And I was invited
and participated in the ceremony.
Q  You might have already answered this. Forgive me.
What was your participation in the ceremony?
A  I was introduced to the crowd. I gave interviews.
I was interviewed on the Mets' television station
during the game. I went up and visited the Mets'
ownership and management, as I had also done at Yankee
Stadium.

Q  Do you know if Mr. Johnson paid for his ticket?
A  I don't know.

Q  Was Mr. Johnson at opening day at Citi Field on official business?
A  He was working. He was acting as my travel person, yes.

Q  Why did you only stay for five innings?
A  I had to travel the next morning. Opening day at Citi Field was a night game on April 13th. I had to travel the next morning, and I just didn't have time to stay to the end of the game. Opening day of the Yankees game was April 16th, and I went to a reporters round table meeting with the press at 3:30, so I had to leave there early.

Q  I believe you just testified that you spoke with Yankees personnel. Was that at opening day or Game 1 of the World Series?
A  It was at opening day.

Q  Do you recall who you met with?
A  Opening day?

Q  Correct.
A  George Steinbrenner, the owner; Randy Levine, the president; the general manager, whose name is temporarily escaping me.
Q  Mr. Trost?
A  No.
Q  Mr. Cashman?
A  Cashman, Brian Cashman.
Q  You would not be taking me to the Yankees game for expertise on the Yankees.
Do you recall what State business was discussed?
A  At which game?
Q  This is opening day of Yankee Stadium.
A  Opening game of Yankee Stadium was a couple weeks after the budget was passed, and there was some conversation about that, very general.
Q  You mentioned earlier that the State assisted in erecting Citi Field, the new Citi Field?
A  There was something about the transportation around the stadium and some of the land that the State was involved in.
Q  Is this Yankee Stadium?
A  This is at Citi Field.
Q  If you had paid for your son's ticket to opening day at Citi Field, how would you have paid?
A  By check, I assume.
Q  Are you aware of the Yankees' policy with respect to tickets to public officials?
A  I'm not well aware of it.
Q  What is your understanding of it?
A  My understanding of it is that the Yankees make
public officials pay for their tickets because of an
incident in the World Series, I believe in 1996, when
they gave out wholesale tickets to the New York City
council members, and that became an integrity issue.
Q  So do you know what their policy became as a result
of that integrity issue?
A  I think their policy became that they asked elected
officials to pay for their tickets.
Q  So was there a deviation from that policy when you
obtained a free ticket to Game 1 of the World Series?
A  I would think not.
Q  Why not?
A  Because the public officials who were there, with
the exception of the Mayor and the Governor, are there
just to see the game. They might like being there, but
they don't have any official capacity. The Mayor and
the Governor are there representing the City and the
State. They are going to be available for media
opportunities. They are going to be asked to take
pictures with some of the fans who are there, and they
are part of the ceremony.
Q  Their presence is part of the ceremony?
A  Their presence is part of the ceremony.
Q  Just so I'm clear for the record, "their," I'm referring to the Governor and the Mayor of New York City.
A  The Mayor. If the Governor doesn't go to the first game of the World Series, all the Governor can say -- all the Governor gets asked the next day by the media is, "Where were you? You were on television talking about the World Series. This is your State. This is your team. Where were you?"
Now, I would rather have stayed home and watched the World Series, because I couldn't see it from there, but I went to the game because I'm Governor.
Q  You mentioned earlier that when you asked Mr. Johnson to secure tickets for you for Game 1 of the World Series, you asked him to speak with Mr. Kiernan, is that correct?
A  Yes.
Q  What did you ask him to speak with Mr. Kiernan about?
A  As I said before, to make sure that it was handled right.
Q  And that what was handled right?
A  Make sure that the acquiring of the tickets was done correctly.
MS. HOLOHAN: I'd like to have that

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marked as Exhibit 4.

(Commission Exhibit No. 4 was marked for identification.)

MR. PEARLMAN: Off the record.

(Discussion held off the record.)

BY MS. HOLOHAN:

Q Governor, do you know why this letter was generated?

A Well, this letter was generated to document that our counsel had determined this to be an appearance in official capacity as Governor and not as a spectator at the game.

Q And is this letter for you?

MR. PEARLMAN: I'm sorry. This is Jeff. I think the letter says very clearly what it says. This is to advise that Governor David Paterson will be attending.

BY MS. HOLOHAN:

Q So it was not your intention that this letter would cover the other individuals who attended Game 1 with you?

A No. No. If I was intending that, I would have written it.

Q Because the other individuals who were with you were not on official business?
A: They may have been on official business. I mean, the two staff members were there to help me. But we didn't see how they were -- didn't see how they were covered.

Q: So then under your understanding of the Yankees' policy, other than your ticket, the Yankees would have expected payment for the other four tickets?

A: This is at the World Series?

Q: Correct. I'm sorry.

A: Yes. Yes.

Q: I'm going to show you what has been previously marked as Exhibit 1.

THE WITNESS: Off the record.

(Discussion held off the record.)

BY MS. HOLOHAN:

Q: Were you aware of this e-mail in April of 2009?

A: Yes.

Q: Do you know why this e-mail was generated?

A: It was generated at the request of the Yankees for them to provide us with the tickets.

Q: Does this refresh your memory as to whether or not Mr. Kauffmann was your press staff that went with you?

A: No, he was not.

Q: So he was intended to go but he didn't?

A: No. He -- he didn't go for whatever reason. And
the person who went, I believe his name is Errol Cockfield. But the letter would have -- the letter referenced Kauffmann because he's the head of the bureau and he -- this is his designee who he sends to do the media that day.

Q And did Mr. Diaz attend with you?
A I just heard his name. I didn't realize that he had attended until right now.

Q But this refreshes your memory that he did attend with you?
A I don't remember seeing him even after hearing it, but I assume that he was there.

Q In the letter Mr. Kiernan says that the -- it is not an impermissible gift for you to attend because of the opening ceremonies and that this would also apply to the Governor's son, Alex.
A Correct.

Q Why would this also apply to your son?
A That was my counsel's interpretation, having read the statute. Sometime later on -- though we stand by the interpretation -- we decided that we wouldn't do it that way.

Q When did you make that determination?
A I don't remember the date.

Q Was it after Fred Dicker's inquiry?
1. **Q:** When was Fred Dicker's inquiry?
2. **A:** After Game 1 of the World Series.
3. **Q:** No, this is before Game 1 of the World Series. I'm saying after opening day we decided that we were going to follow a different protocol.
4. **Q:** So it was sometime after opening day but prior to Game 1 of the World Series?
5. **A:** Yes.
6. **Q:** Why was it determined to change policy?
7. **A:** We thought that it was a close interpretation, and we just thought we would err on the side of caution.
8. **Q:** Did you make any inquiry with the Commission on Public Integrity as to whether your son could attend opening day?
9. **A:** I don't know. It was suggested that this would be a better way to handle it.
10. **Q:** Did you ever pay for Alex's ticket to game -- to opening day at Yankee Stadium?
11. **A:** I don't believe so.
12. **Q:** Did you attend Jackie Robinson Day at Citi Field?
13. **A:** Yes.
14. **Q:** When was that?
15. **A:** It seemed to be a couple days after opening day.
16. **Q:** So this is April of 2009?
17. **A:** Yes.
1 Q What is Jackie Robinson Day at Citi Field?
2 A They were honoring the fact that they named the
3 pavilion in the stadium after Jackie Robinson.
4 Q Who attended Jackie Robinson Day at Citi Field with
5 you?
6 A I honestly don't remember.
7 Q Did your son?
8 A No.
9 Q How was it determined that you should go to Jackie
10 Robinson Day?
11 A I was invited by the Mets.
12 Q How were you invited?
13 A I don't know.
14 Q Did you pay for your ticket?
15 A There was no ticket.
16 Q How did you gain access to the stadium?
17 A I walked in. The Jackie Robinson ceremony was
18 before the game.
19 Q Did you stay for the game?
20 A I don't believe there was a game. If there was a
21 game, it would have had to have been in the afternoon,
22 and I don't believe there was one.
23 Q So, to the best of your recollection, this was
24 merely a ceremony for --
25 A It was a ceremony at the stadium to name the
pavilion for Jackie Robinson. His wife, Rachel, was
there. I spoke at the event. So did Mayor Bloomberg.
So did Senator Schumer. We all came, and we all left.

If they were playing a game that day -- and perhaps
they were -- I wasn't at the game. But I just don't
remember getting a sense that there was a game about to
take place.

Q You testified earlier that you weren't aware of any
circumstances where you believe your son could be on
official State business with you, correct?

A My son doesn't conduct official State business, but
quite often, when these kinds of invitations are
offered, the -- you know, a spouse or a child or
someone might come along with the principal.

Q And by --

A And, again, it demonstrates, in addition to the
fact that you're taking your child, but it also
demonstrates the fact that this is really what the sort
of the spirit of the competition is for the young
people as well as for adults, and bringing your son is
part of that whole culture. So if you come to the game
with your son, that's a sort of good message for the
whole state, that this is something that families do
together, particularly fathers and sons.

Q But it's not your policy that you would pay for
your son?

A  Only because of the media speculation.

Q  What do you mean by that?

A  In other words, this is something that happens very regularly, that there are media inquiries about how did you get in here and how did you get in there and that kind of thing, so we've adjusted to it. But our position on the actual rules of integrity is the same as it's been.

Q  So is it your testimony that you feel a ticket could have been provided free of charge to your son but that it was better politics that you pay for him for Game 1 of the World Series?

A  Yes.

Q  How about your son's friend?

A  Well, we paid for the ticket.

Q  For your son's friend's ticket?

A  Right.

Q  Did you pay prior to his attendance at Game 1?

A  Yes -- well, I wrote the check before Game 1. I see that they didn't get it until November 3rd.

Q  So just so we're clear, you wrote the check out other than to whom it was going to be made to --

A  Right.

Q  -- prior to attending Game 1 of the World Series?
A Right.
Q So you wrote out $850 on the check?
A Right.
Q And how long did you walk around with that in your pocket?
A I took it to the game and gave it to David Johnson.
Q You gave it to Mr. Johnson at the game?
A Right.
Q Do you know how long he walked around with an unmade check for $850 out?
A He told me that -- no, I actually don't know.
Q So he didn't tell you anything?
A Well, he told me he was going to try to -- when we left the stadium, he said he was going to get it to them the next day.
Q Do you know whether he got it to them the next day?
A I don't know.
Q Did you have any concerns with an unmade check for $850 being carried around at Yankee Stadium?
A I didn't think anyone was going to steal it from me.
Q It's your understanding that Mr. Johnson wrote out the name Irfan Kirimca on the check?
A Right.

MS. HOLOHAN: Go off the record.
(Discussion held off the record.)

BY MS. HOLOHAN:

Q Governor, you testified earlier that you had written out the check for your son and your son's friend's tickets for $850?

A Right.

Q And that you left the "pay to the order" section blank?

A Right.

Q How did you know to make the check out for $850?

A Because I was told what the price of the tickets was.

Q Who told you?

A I really don't remember. I mean, I think I know, but I don't feel -- I don't know.

Q Was it Mr. Johnson?

A It could have been, but I'm not sure now.

Q When did he tell you?

A I don't even know that he told me that.

Q You testified earlier that you had dealings with the media while at Game 1 of the World Series, correct?

A Yes.

Q Were those prearranged?

A No.

Q So how did it come about that you spoke with the

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 media during Game 1?
A  Well, the section where people were sitting is
where the vice president -- in other words, it's where
the dignitaries were coming and the media was standing
there, so the specific interviews were not prearranged,
but it was clear we were going to run into the media.
Q  When you spoke to the media, what topics did you
discuss?
A  I don't remember anything other than baseball.
Q  Did New York State have any involvement in the
building of the new Yankee Stadium?
A  I wouldn't say -- tangentially.
Q  What do you mean by "tangentially"?
A  In other words, I don't know what New York City's
role in rebuilding -- in building the new Yankee
Stadium was.
Q  I apologize if I said New York City. I meant New
York State.
A  New York State, right, that's what I thought you
meant.
Q  Do you know what New York State's role was?
A  I don't know.
Q  You testified earlier that with the creation of the
new Citi Field, there was a new MTA stop built nearby,
is that correct?
A I didn't say that.
Q I'm sorry, then.
A I said that it was some transportation issue that they had been talking to us about, and the Empire State Development Corporation did have some interaction with them, something that they wanted done differently than the way it was being done. And, you know, they had spoken to me about -- you know, about this issue on occasion.
Q Did you have any similar conversations with the Yankees regarding the building of the new Yankee Stadium?
A No. No.
Q Did you have any conversations with the Yankees regarding the building of the new Yankee Stadium?
A I had conversations with them about the building of it, but nothing that I think I would describe as State business.
Q How is the business of New York State enhanced by your appearance at Game 1 of the World Series?
A I think that the people of the State of New York recognize and the people of the City of New York, they recognize that their Mayor and their Governor are taking an interest in what is a huge sort of cultural and economic event in the city, openings, new
opportunities, new jobs. It's a gleeful moment for the
citizensry, and it's a positive. But there is a
negative, that their Governor, where is he? You know,
where else should he be on the opening night of the
World Series but at the World Series?
Q You testified earlier that you had an interview
with Fox News 5 during opening day of Citi Field,
correct?
A Yes.
Q Was that prearranged?
A I don't think so.
Q Do you know how that came about?
A I think I was standing there and they walked up to
me. Fox News 5 at opening day I believe was at Yankee
Stadium. That's what confused me.
Q I apologize.
A It was at Yankee Stadium.
Q But you spoke with the media at opening day of Citi
Field?
A Yeah, I spoke with Roseanna Scotto, I believe is
the name.
Q Was that interview prearranged?
A No.
Q How did that come about?
A I'm sitting there and she walked up and started
Q And what did you discuss?
A The Yankees, the new stadium.
Q You testified earlier that you're not certain
whether you paid for your son's ticket to opening day
of Citi Field, correct?
A Yes, but after reading the document I now believe
that I didn't pay for it.
Q I believe that document dealt with opening day of
Yankee Stadium, so -- just so we're clear for the
record.
A Okay. No, but you see, having read that, that's
our policy, so I would assume I didn't pay for his
ticket to Shea Stadium.
Q Okay. So in reading what has been marked as
Exhibit 1, it is now to the best of your recollection
that you did not pay for your son's ticket to opening
day of Citi Field?
A No.
Q No, you did not pay?
A No.
Q Do you generally walk around with your checkbook?
A No. I didn't then.
Q What do you mean, you didn't then?
A I've never said here that I had my checkbook.
Q  No. Do you generally a walk around with your
cHECKBOOK?
A  Never.
Q  But you had it on the opening day --
A  No.
Q  -- of the World Series?
A  No.
Q  No. I'm sorry. So how did it come about that you
wrote a check for $850?
A  I wrote the check at home and brought it to the
game.
Q  Do you keep carbon copies of your checks?
A  No.
Q  Do you know whether the seats that you obtained to
opening -- excuse me -- to Game 1 of the World Series
were generally available to the public?
A  I don't know. I would think so, based on a lot of
the fans I met there.
Q  Could you explain what you mean by your statement?
A  I talked to a lot of the fans who were sitting
around me, and they did not appear to be -- you know, I
didn't get the impression that they were anything other
than fans. But, look, I don't know the answer.
Q  Did you ever see a ticket to Game 1 of the World
Series?
A No.

Q Do you have a stub to Game 1 of the World Series?

A I don't remember. I think I do.

Q Before we conclude, do you have anything further you would like to state?

A Well, I'll just state what I've stated before, that there are events that are very high profile. If a Governor did not attend them, they would create problems, like trying to explain where you were rather than at the game with 2,000 people, first game of the World Series, and there hasn't been a World Series in New York in nearly a decade. You have a bet with the Governor of Pennsylvania on the outcome of the game. You've been in the media, very high profile, talking about the game on sports talk radio, but it comes into conversations in regular news interviews.

You've been asked, "Will you attend the game?" And that was what influenced me that I really needed to attend the game. I think even if we had had a special session in Albany, I would have had to have found a way to have come down for the game. In other words, the impact of not being at the game became more clear to me, even in the days before the game, and so I felt that it was my professional duty to be at the game.

Other people that come with the Governor -- the

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Governor can't go to the game by himself. I took pictures with fans during the whole game. At one point we changed seats to get me on the inside so that people actually coming up, kneeling down next to me and the camera would go off in the middle of me trying to watch the game, and that's what your role is, as the chief executive of the State that you would go to the game and that this is part of your duty.

Your taking your son to the game is a nice touch. It lets the people of the state know that you understand what baseball means to people and what baseball means to families, and it's one of those activities that, hopefully, builds competition and character among younger people. You bring your son to the game, you know, or your daughter to the game, if they're interested. And I think it is completely in line with what would be a special circumstance where a person is acting in their official capacity and the people around them are there to assist them at a baseball game, at the first game of the World Series. The only instances where this has come up are the first game of the World Series and the opening of two stadiums, ironically, in the same year.

I go to events all the time, and I pay to go there and I pay for my family to go there. In this instance
I don't see it as anything other than my official capacity.

MR. PEARLMAN: Thank you, Governor.

MR. GINSBERG: Thank you.

MS. HOLOHAN: That is all for now. Thank you.

THE WITNESS: Thank you.
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CERTIFICATE

I, Kay Trigilio, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me is a true and accurate transcript of the same, to the best of my ability and belief.

DATE: February 24, 2010

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